

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE NORTH ATLANTIC
STATES CARPENTERS HEALTH,
PENSION, ANNUITY, APPRENTICESHIP,
AND LABOR MANAGEMENT COOPERATION
FUNDS f/k/a EMPIRE STATE
CARPENTERS WELFARE, PENSION,
ANNUITY, APPRENTICESHIP,
CHARITABLE TRUST, LABOR
MANAGEMENT CORPORATION, AND
SCHOLARSHIP FUNDS, AND THEIR BOARD
OF TRUSTEES,

ORDER
22-CV-0234 (JS) (ST)

Plaintiff,

-against-

LEVI G. MITCHENER D/B/A
LG MITCHENER CONSTRUCTION,

Defendant.

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APPEARANCES

For Plaintiff: Charles R. Virginia, Esq.
Maura S. Moosnick, Esq.
Virginia & Ambinder LLP
40 Broad Street, 7th Floor
New York, New York 10004

For Defendant: No appearance.

SEYBERT, District Judge:

Trustees of the North Atlantic States Carpenters Health,
Pension, Annuity, Apprenticeship, and Labor Management Cooperation
Funds f/k/a Empire State Carpenters Welfare, Pension, Annuity,
Apprenticeship, Charitable Trust, Labor Management Corporation,
and Scholarship Funds, and their Board of Trustees ("Plaintiff")
commenced this action as a supplementary proceeding to renew a

default judgment previously obtained against Levi G. Mitchener d/b/a LG Mitchener Construction ("Defendant") on May 30, 2012.¹ (See generally Compl., ECF No. 1.) To date, Defendant has failed to satisfy the May 30, 2012 Judgment.

Pending before the Court is Plaintiff's motion for a default judgment against Defendant. (Mot., ECF No. 11; Virginia Decl., ECF No. 12; Support Memo, ECF No. 13.) Defendant was served with the summons, complaint, and exhibits attached thereto and failed to timely respond to the Complaint. (Aff. of Service, ECF No. 7.) Defendant was also served with the instant default motion and failed to submit any opposition. (Certificate of Serv., ECF No. 14.)

Having reviewed Plaintiff's motion and supporting papers, the Court finds: (1) that Plaintiff has satisfied all procedural requirements necessary to obtain a default judgment; (2) the well-pleaded Complaint demonstrates that Plaintiff is entitled to a renewed judgment pursuant to CPLR § 5014; and (3) Plaintiff is awarded a renewed judgment for the original May 30, 2012 Judgment amount of \$109,181.31 plus post-judgment interest at 9% from May 30, 2012 to the date the renewed judgment

¹ See Empire State Carpenters Welfare, Pension, Annuity, Apprenticeship, Charitable Trust, Labor Management Cooperation, and Scholarship Funds and their Boards of Trustees v. Levi G. Mitchener d/b/a Mitchener Construction, 10-CV-3030(ADS)(ETB), Default J., ECF No. 25 (E.D.N.Y. May 30, 2012).

is entered. See Trs. of the Northeast Carpenters Health, Pension, Annuity, Apprenticeship, & Lab. Mgmt. Coop. Funds v. Kane Paint & Plaster, Inc., No. 20-CV-0007, 2021 WL 3129936, at *6-10 (E.D.N.Y. July 23, 2021) (granting motion for default judgment and awarding renewed judgment pursuant to CPLR § 5014).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's default motion is GRANTED. The Clerk of Court is directed to enter judgment in accordance with this Order. Plaintiff is directed to serve a copy of this Order the renewed judgment upon Defendant forthwith and to file proof of such service on ECF.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 27, 2023
Central Islip, New York